

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RODERICK L. HYMON,

Plaintiff,

vs.

OFFICER ROSE, *et al.*,

Defendants.

Case No.: 2:23-cv-01276-GMN-EJY

**ORDER DENYING  
OBJECTION/APPEAL**

Pending before the Court is Plaintiff Roderick L. Hymon’s Objection/Appeal, (ECF No. 13), to Magistrate Judge Daniel J. Albregts Order, (ECF No. 3), granting Plaintiff’s Motion/Application for Leave to Proceed in forma pauperis, (ECF No. 1), and dismissing without prejudice and with leave to amend Plaintiff’s Complaint. (ECF No. 1-1)

For the reasons discussed below, the Court **OVERRULES** Plaintiff’s Objection/Appeal, and **ADOPTS** the Magistrate Judge’s Order.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b).

Local Rule IB 3–2 requires a party to file “specific written objections” to a Report and Recommendation. *See also Greene v. People of California*, No. 2:15–cv–378, 2015 WL 4393897, at \*1 (D. Nev. July 16, 2015). “Numerous courts have held that a general objection to the entirety of a magistrate judge’s report has the same effect as a failure to object.”

1 *Alcantara v. McEwen*, No. 12-cv-401, 2013 WL 4517861, at \*1 (S.D. Aug. 15, 2013)  
 2 (collecting cases). To be specific, an objection must identify the specific finding or  
 3 recommendation to which the objection is made, state the basis for the objection, and specify  
 4 the place in the magistrate judge's report and recommendation where the disputed  
 5 determination is found. *See Sullivan v. Schriro*, 04-cv-1517, 2006 WL 1516005, at \*3–5 (D.  
 6 Ariz. May 30, 2006). An objection that merely incorporates by reference or refers to the  
 7 briefing before the magistrate judge is not specific. *See DeJarlais v. King*, No. 15-cv-1005,  
 8 2015 WL 8180582, at \*1 (S.D. Cal. Dec. 7, 2015) (determining that the plaintiff filed a general  
 9 objection which relieved the court of conducting a *de novo* review where the plaintiff's  
 10 objection consisted of incorporating the facts, claims, and arguments made in his previous  
 11 filings); *see also Grady v. Biter*, No. 13-cv-2479, 2016 WL 537175, at \*2 (S.D. Cal. Feb. 10,  
 12 2016).

13 Plaintiff's Objection/Appeal is a general objection, as it summarily contends in a single  
 14 sentence that the Magistrate Judge's Order was in error. (Obj./Appeal at 1, ECF No. 13). His  
 15 filing fails to identify with any degree of specificity how, where, and why the Magistrate Judge  
 16 erred. *See DeJarlai*, 2015 WL 8180582, at \*1. By filing a general objection, Plaintiff  
 17 effectively failed to object to the Magistrate Judge's Order. While the Court is not obligated to  
 18 conduct a *de novo* review considering Plaintiff's general objection, it still performed a *de novo*  
 19 review of the entire record in this matter and fully **ADOPTS** the Magistrate Judge's Order.

20 **IT IS HEREBY ORDERED** that Plaintiff's Objection/Appeal, (ECF No. 13), is  
 21 **OVERRULED**.

22 **IT IS FURTHER ORDERED** that the Magistrate Judge's Order, (ECF No. 3), is  
 23 **ADOPTED**.

1 Plaintiff shall have until May 1, 2024, to file an amended complaint which corrects the  
2 deficiencies in the Complaint identified by the Magistrate Judge. (Order 2:22–6:5). Failure to  
3 file an amended complaint may result in this action being dismissed with prejudice.

4 **DATED** this 1 day of April, 2024.

5  
6   
7 \_\_\_\_\_  
8 Gloria M. Navarro, District Judge  
9 UNITED STATES DISTRICT COURT  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25